

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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CHUKWUMA E. AZUBUKO)
vs.)
Plaintiff)
vs.)
BOARD OF BAR OVERSEERS OF THE)
SUPREME JUDICIAL COURT)
Defendant)

DISTRICT COURT
DISTRICT OF MASS.

C.A. No. 04-CV-10192-WGY

**DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(1) and 12(b)(2)**

Defendant, the Board of Bar Overseers of the Supreme Judicial Court of Massachusetts (“Defendant” or “BBO”) hereby moves pursuant to Federal Rule of Civil Procedure 12 to dismiss Plaintiff’s Complaint on the grounds that this Court lacks subject matter jurisdiction over this Complaint. Further, this Court should dismiss the Complaint as frivolous under 28 U.S.C. § 1915.

Defendant submits a memorandum of law in support of this motion.

Respectfully submitted,

BOARD OF BAR OVERSEERS OF THE
SUPREME JUDICIAL COURT OF
MASSACHUSETTS
By its attorneys,

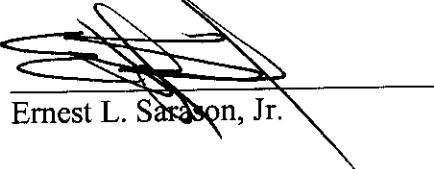
THOMAS F. REILLY
ATTORNEY GENERAL


Ernest L. Sarason, Jr., BBO #441980
Assistant Attorney General
Government Bureau/Trial Division
200 Portland Street, 3rd Floor
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(617) 727-2200

Dated: February 4, 2004

CERTIFICATE OF SERVICE

I, Ernest L. Sarason, Jr., Assistant Attorney General, hereby certify that I have this day, February 5, 2004, served the foregoing document upon the pro se plaintiff, by mailing a copy, first class, postage prepaid to: Chukwuma E. Azubuko, P.O. Box 1351, Boston, MA 02117-1351.


Ernest L. Sarason, Jr.